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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,912	03/11/2004	James Fred Daily	ROC920040063US1	7002
7590	03/16/2006			
Robert R. Williams IBM Corporation - Dept. 917 3605 Highway 52 North Rochester, MN 55901				
EXAMINER TU, CHRISTINE TRINH LE				
ART UNIT		PAPER NUMBER		
2138				

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,912

Applicant(s)

DAILY ET AL.

Examiner

Christine T. Tu

Art Unit

2138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

It is not clear how the apparatus implements fault tolerance and failure isolation features as it is being recited in the preamble of the claim.

At line 4, due to the phrase “said controller including” is being recited, it is not clear whether or not the controller includes all the below recited elements (at lines 5-17).

At line 5, the phrase “a first interface to a pair of master sources” cannot be understood. It is not clear what is the first interface doing to the pair of the master source.

At line 6, the phrase “a second interface to a plurality of target interfaces” cannot be understood. It is not clear what is the second interface doing to the plurality of target interfaces.

At line 7, the phrase “a third interface for a plurality of predefined controller control signals” cannot be understood. Firstly, the word “controller” should be deleted. Secondly, it is not clear what the third interface doing with the plurality of predefined control signals.

Claim 5:

At lines 3-4, the phrase “for defining a master of said pairs of redundant selector and ATTENTION monitor functions” cannot be understood. Firstly, what is “master”?

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Secondly, it is not clear whether the phrase should be mean “for controlling said pairs of redundant selector and ATTENTION monitor functions.

Claim 9:

At lines 3-4, the phrase “for defining a master of said redundant functions or of a pair of controllers” cannot be understood. Firstly, what is “master”? Secondly, it is not clear whether the phrase should be mean “for controlling said redundant selector or a pair of controllers.

Claim 10:

At line 3, it is not clear what the phrase “for resolving a master” actually means.

Claim 11:

At lines 2-3, the phrase “said first interface to said pair of master sources” cannot be understood. It is not clear what is the first interface doing to the pair of the master source.

Claim 14:

At line 2, the term “said target interface (singular)” is not logic. It is not clear which target interface is recited since plurality of target interfaces (plural) are being claimed previously in claim 1.

Claim 15:

It is not clear how the method implements fault tolerance and failure isolation features as it is being recited in the preamble of the claim.

Claim 16:

At lines 3-4, the phrase “for defining a master of said pairs of redundant selector and ATTENTION monitor functions” cannot be understood. Firstly, what is “master”? Secondly, it is not clear whether the phrase should be mean “for controlling said pairs of redundant selector and ATTENTION monitor functions.

Claim 19:

At line 3, it is not clear what the phrase “for resolving a master” actually means.

Claim 20:

At lines 3-4, the term “said target interface (singular)” is not logic. It is not clear which target interface is recited since plurality of target interfaces (plural) are being claimed previously in claim 15.

Claims 2-4, 6-8, 12-13 and 17-18:


These claims are rejected because they depend on claims 1 and 15 and contain the same problems of indefiniteness.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine T. Tu whose telephone number is (571)272-3831. The examiner can normally be reached on Mon-Thur. 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571)272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christine T. Tu
Primary Examiner
Art Unit 2138

March 11, 2006